LETTER

TO THE

RIGHT HON. LORD KNUTSFORD,

H.M. Secretary of State for the Colonies,

ON

THE *REPLY* OF

THE UNIVERSITY OF TRINITY COLLEGE,

TORONTO,

In answer to the Memorial presented to his Lordship on March 6th, 1890, with regard to the issue in England of Degrees by that University,

TOGETHER WITH

AN EXPLANATORY STATEMENT.

LONDON:
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1890.

EXPLANATORY STATEMENT REGARDING

THE TORONTO DEGREES *IN ABSENTIÂ.*

The intimation recently given in various newspapers that the Committee protesting against the issue in England of Degrees by the University of Trinity College, Toronto, had addressed a "Letter" to Lord Knutsford has caused a number of enquiries to be made as to this subject, and copies of the "Letter" in question have been widely asked for. The action of this Colonial College, and its mode of bestowing Degrees in the Faculty of Music in this country has been discussed at considerable length in our English newspapers, and the whole matter has obtained so much publicity, that an increasing demand has been made for information as to the protest of the Committte against this encroachment.

The newspapers have made public a letter dated September 12th, addressed by the Secretary of State for the Colonies to Mr. J. W. Sidebotham, M.P., a member of the protesting Committee, stating that:—"The Law Officers of the Crown have suggested that a "formal Petition should be presented to the Privy Council by some "one or more of the Universities granting Musical Degrees in the "United Kingdom, complaining of the action of the University of "Trinity College, Toronto;—that the question should be heard "before the Judicial Committee under Section 4 of the Act consti-"tuting the Privy Council"; and adding, that "his Lordship will be "happy to give any assistance in his power for bringing the matter "to a hearing."—Consequent on this notification, a request has arisen for more complete information on the whole subject: it is therefore considered desirable to circulate copies of the "Letter" to the Colonial Minister, together with a brief statement of the circumstances connected with the case.

In the beginning of the year 1886, the musical newspapers called attention to the action of the University of Trinity College, Toronto, in establishing an agency in England, for the purpose of granting Degrees *in absentiâ* in the Faculty of Music.* It was pointed out that to obtain these Degrees no literary testing took place, and that the musical examinations were not on a parity with the standard enforced at our home Universities. Candidates who had repeatedly failed at our own institutions, passed the Toronto tests with ease, and obtained these distinctions. It was further shown that England,

* Similar agencies have since been opened in Melbourne and New York.

Scotland, and Ireland, were amply provided with examining and degree-conferring institutions, and that the intrusion of the Toronto College constituted an unwarrantable competition with our legalised Universities.

After many *pourparlers*, in the early part of the present year, a Committee was formed to examine into the question, and take some public action thereon. This Committee consisted of representative members of the Universities and other examining bodies, the heads of our great Schools of Music, clergymen, and gentlemen of authority in the musical and educational world, Sir John Stainer, Professor of Music in the University of Oxford, being elected Chairman. The names of the members will be found at the end of the "Letter" to Lord Knutsford. The Committee made careful enquiry into all the circumstances connected with the action of the Toronto College in England, and examined the mode pursued in granting its degrees *in absentiâ*. This enquiry resulted in the preparation of a Memorial to H.M. Secretary of State for the Colonies, and this was formally presented to Lord Knutsford on March 6th, by a deputation introduced by Sir William Houldsworth, M.P., a member of the Committee nominated by the Court of the Victoria University, Manchester. In this Memorial, attention was called to the fact that Her Majesty's Charter was granted for the purpose of promoting "the more perfect establishment *within* "*the Diocese of Toronto* of a College in connection with the United "Church of England and Ireland, for the education of youth in the "doctrines and duties of the Christian Religion as inculcated by that "church, and for the instruction in the various branches of science "and literature which are taught in the Universities of the United "Kingdom." The protesting Committee contended, that though the institution was endowed with "all such and the like privileges "as are enjoyed by the Universities of our United Kingdom of "Great Britain and Ireland," these privileges were valid only in the Canadian diocese named in the Royal Charter, and that "the power "of granting Degrees in England was outside its duties, that such "procedure was not in the intentions of its founders, and is beyond "the powers accorded to it in H.M's Charter."

It was shown that though the College was founded in 1852, no attempt was made to confer Degrees in Music till the year 1885, when an official called a "Registrar" was appointed in England, and advertisements were issued as to granting Degrees. The Committee urged, that the persons who applied for these degrees were not such *bona fide* "Students in the said College" as the Charter

empowered the Toronto authorities alone to deal with: that the power of granting Degrees was local, and restricted to those who had received instruction at the University itself: and that the Charter did not confer the peculiar privilege of granting them *in absentiâ*, "that being a power which is *not* exercised by our Universities;" and consequently, that the action of the Colonial institution was altogether *ultra vires*, and in direct antagonism with the duties, and constituted an infringement of the privileges, of our National Universities.

The Committee drew attention to the harm the proceedings of this Canadian College was doing to the true interests of music in this country, and urged that its action tended to lower the standard of education, and to the discrediting of Degrees generally.

In conclusion, the Colonial Minister was respectfully asked to "call the attention of the Authorities of this institution to the non-"compliance with the conditions of their Charter; and further, that "such measures as your Lordship may deem expedient may be "taken to prevent any further granting of like Degrees."—The Memorial was signed by the representatives of the various Universities, and by the other members of the Committee. A report of the proceedings, together with the discussion which took place between Lord Knutsford and the members of the Deputation, appeared in the London and many Provincial newspapers.

About two months after this interview, the Rev. Dr. Body, Vice-Chancellor and Provost of the College came over to England, and at once entered into a discussion in the *Times* on points in connection with the statements in the Memorial presented. In this controversy, the Rev. Dr. Mahaffy, Mr. Gerard Cobb, Dr. C. W. Pearce, Rev. Dr. Hunt, Mr. J. W. Sidebotham, Dr. J. F. Bridge, and Mr. T. L. Southgate took part. The points discussed ranged from the uncalled for intrusion of the Canadian institution into this country, to detailed accounts of the qualifications required to obtain these Degrees *in absentiâ*, Mr. Southgate sending in connection with this, communications from the Registrars of the College to Candidates, offering them a Mus. Doc. Degree for the trivial test of writing and scoring a song. Many letters in connection with the dispute, together with leading articles appeared in the musical and general newspapers.

Early in June, Dr. Body presented to the Colonial Minister a lengthy "Memorial and Supplement," dealing with the charges advanced against his College, and maintaining that the course taken in setting up machinery to examine and grant Degrees in England

was justified by the powers conferred by the Royal Charter, and praying that his Lordship would protect the College in all such privileges as had been granted to it. –According to a report of the interview which appeared in *Church Bells*, Lord Knutsford asked Dr. Body, if his University claimed the right to confer Degrees in any Faculty, *in absentiâ*, and the Vice-Chancellor's answer was in the affirmative. The formal Memorial of the Trinity College asserts that "our Degree conferring power is limited only by the enactments of "the College Council" (Supplement p. 9). This claim constitutes a distinct attack on the privileges of our Universities with regard to the bestowal of Degrees in Arts, Divinity, Music, Law, and Medicine.—(It may be mentioned that the Incorporated Law Society, and the General Medical Council decline to recognise the Certificates issued by the University of Trinity College, Toronto). Copies of this "Memorial" were sent to Members of the protesting Committee, to various Educational Authorities, and to the Press.

Questions on the matter in dispute were asked in the House of Commons by Sir John Lubbock, and Mr. J. W. Sidebotham, as to the decision of the Government. The answers were to the effect that the Law Officers of the Crown had not decided on the course to be taken with regard to the complaint: since then, Lord Knutsford has sent the official communication already cited.

The Secretary of State for the Colonies kindly permitted the protesting Committee to examine and submit a reply to the "Memorials" of the Toronto College; the result of this is to be found in the accompanying "Letter" (dated 7th July), addressed to Lord Knutsford, to which attention is now directed. It relates the history of this Colonial Church College, and shows that its founders only sought authority "to educate *their* youth from their own resources in "their own way, with the power of conferring upon *them* Degrees to "mark their proficiency:" and it shews, that the special privileges claimed for this institution have also been granted in identical terms to five other Canadian Universities. It describes the procedure of our home Universities, and proves that they do *not* grant Degrees *in absentiâ*, in the manner alleged, and it corrects various mis-statements made in the Toronto "Memorial." Lastly, it draws attention to the danger that if the claim of those directing the Canadian institution to work here be permitted, it follows that they would be free to confer Degrees in all Faculties, on whatever terms they choose, and wherever they like: finally, the protesting Committee again beg the Colonial Minister to restrain the illegal and injurious action of the Canadian institution in the United Kingdom. *Oct.* 31*st*, 1890.

In connection with this LETTER were attached

APPENDICES.

A. Rev. Dr. MAHAFFY, Letter on the Dublin University Degrees. *Times.*

B. Mr. GERARD F. COBB, Letter on the authorized representation of Cambridge University.—*Musical Times.*

C. Rev. E. K. KENDALL, Letter on the non-necessity for an Arts Test.—*Tonic Sol-Fa Reporter.*

D. Mr. GERARD F. COBB, Letter on the alleged welcome of Professor Sir GEORGE MACFARREN.—*Times.*

E. Reprint of Article from *Trinity University Review.*

F. Mr. T. L. SOUTHGATE, Letter on Professor Sir F. A. GORE OUSELEY'S opinion of the Toronto Degrees.—*Times.*

G. Oxford, "Directions for Candidates for Degrees in Music."

H. Cambridge, "Proceedings in Music."

I. Rev. Dr. HUNT, Letter on the alleged affiliation with Trinity College, London.—*Musical Standard.*

K. Mr. J. W. SIDEBOTHAM, M.P., Letter on "Free Trade in Degrees."—*Times.*

L. Mr. G. PARKER, Statistics of the last 20 years Examinations for Degrees in Music at Oxford University.

M. Report of Rev. Dr. Body's Interview with Lord Knutsford.—*Church Bells.*

N. Particulars relating to the Toronto Mus. Bacs.

O. W. A. H. BARRETT, Letter on the Toronto M.D. Degree.—*The Lancet.*

LONDON,

7th July, 1890.

To the Right Hon. Lord Knutsford, K.C.M.G.
H. M. Secretary of State for the Colonies.

MY LORD,

We beg to thank your Lordship for the permission accorded us through Mr. J. W. Sidebotham, M.P., to address you with respect to the statements made in the *Reply* to our Memorial, as to the issue in England of degrees by the University of Trinity College, Toronto. It is hardly necessary to assure your Lordship that, in venturing to bring this matter under your notice, our only wish was to present a perfectly fair statement of it, and that we had no intention of creating any impression in your Lordship's mind, such as the main facts and circumstances of the case could not be held to justify. The statements and comments which appeared in our Memorial were founded on knowledge of what had taken place with regard to the issue of these Canadian degrees in England, and on the fullest evidence we could procure bearing on this matter. Our Memorial was not hastily penned, or put forth without proper enquiry; it was the result of much in-gathering of information, of several meetings, and consultation on the part of those who signed it.

If it should be proved that owing to the difficulty of obtaining complete intelligence it contains some minor inaccuracies, we contend that any such trifling errors in no way affect the essential point on which we addressed your Lordship, viz. the assumption of this colonial University to examine Candidates and grant its Degrees in England.

Your Memorialists feel that there is no need to deal *seriatim* with all the statements in the *Reply and Appendices* now put forth by the University of Trinity College, Toronto, and its Vice-Chancellor: we cannot admit the accuracy of many of these, or accept the

statistics put forth; but availing ourselves of your kind permission, it is here proposed only to call attention to (1) the history and the intent of the Charter of this institution; (2) to its claim to issue Degrees *in absentiâ*: and to certain salient points in the *Reply*.

1. The history of this Canadian College will be found in a book entitled, *The Rise and Progress of Trinity College, Toronto*, by H. Melville (Toronto, H. Rowsell, 1852). In this volume, which appears to be issued by authority, is given a full account of the establishment of the University. Dissatisfaction seems to have been felt by the Church people in Canada at the secularisation of the old King's College, since refounded as the University of Toronto, and the suppression of the Faculty of Divinity thereat. By way of protest, and for their own needs, there was established a Diocesan Theological College at Coburg. The local and special character of this institution may be judged from the fact that the Bishop of the Diocese made all appointments, presided at the meetings, admitted students, enforced discipline, and saw that all the regulations in the Statutes were duly carried out. A demand soon arose that the College should be vested with the power of conferring Degrees in Divinity on its Students. Meetings were held, the addresses and speeches at which, together with the sermons of the Bishop bearing on the matter, are reported at length in Mr. Melville's book. It was determined to petition the Queen to withhold her consent to the new scheme of the University of Toronto, or, as an alternative, to ask for a Charter for a Church University. It was asserted that the Legislature and the Crown had given Charters to Roman Catholic, Presbyterian, and Methodist bodies, together with land and pecuniary aid. The Bishop complained (p. 56) that the National Church "remained without a University to educate *her* "*youth* on religious principles for the Holy ministry and the liberal "professions." He then came to England, and entered into a lengthened correspondence with Earl Grey, first asking for the issue of a Queen's Letter to collect money for the proposed institution, which was refused.

The Earl of Elgin, the Governor of Canada, opposed the grant of any such Charter as that sought for, because it could not be granted "without giving rise to questions touching interference with Char- "tered Rights, akin to those which have so grievously embittered "the controversies that have taken place at various periods with

" respect to the amendments of the provisions of the original Charter " of King's College." (p. 71).

The Bishop then urged that "they were deprived of their University, " and by this they lose the power of conferring degrees in Arts and " Divinity, and are deprived of the means of bestowing an education " on *their children* based on religion." In a despatch from the Earl of Elgin to Earl Grey, 4th February 1851, we read :—" With reference " to the more perfect Charter sought by his lordship, the Govern- " ment apprehends that the multiplication of Colleges having " authority to grant degrees in Arts *in this province at the present* " *stage of its growth in wealth and population* is open to very serious " objection." Earl Grey wrote to the Bishop, 11th March 1851, that there was no objection to grant a Charter with power to confer Degrees in Divinity, but it was considered better to confine the Arts powers to the University of Toronto. This offer was not acceptable, and the Earl of Elgin again protested (p 78), " That it was not ex- " pedient a Royal Charter containing such ample power as that for " which his Lordship (the Bishop) had applied, should be granted " to any *Denominational* College." The Bishop then had interviews with Sir Robert Peel, the Duke of Wellington, and other persons of influence, and threatened to present a petition to Parliament ; he wrote to Earl Grey stating that they wished to establish, " without assistance from the Colonial Government, a University in " connection with *our* Church, and receiving only from our Gracious " Sovereign what *other denominations* have long enjoyed—a Charter " of Incorporation providing for the government of the Institution " and granting it the privilege of conferring Degrees." He further asked that—

" the same privileges that have been granted to others, of " educating *their youth, from their own resources, in their own* " *way*, with the power of conferring upon *them* degrees to " mark *their* proficiency in the different branches of learning,"

should be conceded to the proposed Church University.

The Earl of Elgin once more wrote that, "There are grave ob- " jections to the multiplication of Academical Institutions having " powers to grant Degrees in Arts *in a country* where the number of " young men who can devote to study the necessary time to qualify " them for such Degrees is not large," and he protested against the charges advanced by the Bishop against the Canadian Legislature, and complained of the violent language he used. It is evident that

Churchmen were by no means in accord with the Charter demanded, for on Jan. 24th, 1851, the Hon. J. Leslie wrote on behalf of the Governor: "There were many sincerely attached members of the "Church of England among whom considerable difference of "opinion prevails with respect to the terms in which a Charter "for an exclusive University ought to be conceived."

Eventually the Bishop presented his Petition, signed by 125,000 persons, and special attention should be directed to the chief prayer in it, which runs :—

"*All we ask* is simply to retain the advantage which is "actually enjoyed by every other body of Christians in "Upper Canada, of having one place of public education, in "which *their* young men may be religiously instructed, and "such as desire it trained for the holy ministry." (p. 70 of Melville's book.)

The Charter was then directed to be issued, the Bishop asking permission to withdraw the first rough draft, and put forward another, "to meet the probable division of the Diocese, and to "substitute the mode of conferring degrees *adopted at Cambridge* "for that contained in the former draft." (p. 84).

Enough has been related and quoted to show that *all* the Petitioners asked for was State authority to deal with *their children* and *their youth* in their own way, to train *their young* men and confer Degrees upon *them.* Thus the Charter was distinctly sought for the educating, testing, and bestowing academical distinctions on the youth within the diocese of Toronto, "in strict connection "with the United Church of England and Ireland," and—your Memorialists assert without hesitation—on no one else. These were the "Students in the said College," to whom the Charter grants the right of "performing all scholastic exercises," and with whom alone the framers of the Charter directed the governing authorities to deal, by means of the academic machinery located and worked at Toronto. The institution was not intended for persons of various religious denominations, who, living in England, had attended no course of instruction given at the University, and had not complied with the ordinances and rules of the College. It cannot be contended that English people required from Canada "instruction in the various branches of science and literature "which are taught in the Universities of the United Kingdom," as

the Charter runs. This direction can mean nothing more than that the Church of England youth of Toronto should not be debarred from receiving there such instruction as is given in our home Universities, or for the sake of procuring a Degree, be compelled to receive it at Institutions of an alien theological character. It could never have been intended for this University to open an agency here, in order to examine the *youth of England*, and to give *them* Degrees issued from Toronto.

The arguments advanced in the *Reply* fail to explain away the significance of the words "*within* the Diocese of Toronto," to which your Memorialists contend Her Majesty's Charter limits the operations of this University. We maintain that it was not intended by those who prayed for this Charter, or by Earl Grey, the Secretary of State for the Colonies, who advised its being granted, that it should convey powers and privileges of any kind to be exercised in this country. On the contrary, the terms, "within the Diocese of Toronto," were intentionally employed by the framers of the Charter to restrict its action to that portion of Her Majesty's dominions, and to avoid collision with other authorised Universities outside the original diocese of Toronto. The Charter, as is therein stated, must be "taken, construed, and adjudged according to the "*true intent* and meaning of the same:" and we have abundant evidence to show exactly what this was.

It should be pointed out that if the phrase used in the Trinity Charter had been *in* the diocese, or as in the case of the old King's College, Toronto, chartered "for the more perfect establishment of "a college *therein*;" or, in the case of Queen Elizabeth's Charter to Dublin," *Juxta* civitatem Dublinensem," it might then have been held to refer simply to the location of the central academical body, and not to the limits within which that body could act; but *within* implies a sense of functional limitation. It cannot be seriously contended that this restrictive word means its direct contrary, "without," *outside*. We maintain that the direction "within the Diocese of Toronto," meant to secure for that diocese that which was already possessed by other British Transatlantic establishments, and that this provision, and the *intention* expressed in the Petition and letters of the Bishop must be borne in mind in the interpretation of Her Majesty's Letters patent.

Eight Universities have been founded in the Dominion of Canada with power to grant Degrees; their Charters seem to run on much the same lines as to duties and powers allotted; most of these

instruments appear to follow the diction of that granted in 1802 to the University of King's College, Windsor, Nova Scotia. In this occurs the direction, that it "shall have and enjoy all such "and the like privileges as are enjoyed by our Universities in our "United Kingdom," &c., &c., expressed in precisely the same terms as were subsequently employed for the Charter of the University of Trinity College, Toronto.

Your Memorialists respectfully call your Lordship's attention to the fact, that if this claim of the Toronto College to operate in England be conceded, that the Canadian Colleges and Universities* whose Charters contain similar privileges to those bestowed on the University of Trinity College, Toronto, will be equally entitled to examine and grant their Degrees *in absentiâ* in England. It is obvious that such an intrusion would be a violation of the important principle, that the mother country must retain within the boundaries of the United Kingdom her supreme rights in the bestowal of all honours.

2. The contention, *Reply* (pp. 10 & 11), that our Universities enjoy the privilege of granting degrees *in absentiâ*, and constantly exercise this right in other Faculties than that of Music is misleading, and cannot be justified. At Cambridge the Statutes of the University † enable the Senate to grant a Degree by proxy *only* in the case of those who are already Graduates. A Member of that University may increase his Degree in absence; but he cannot *graduate* (*i.e.* take his first Degree) in any Faculty save by personal admission. It is important to observe that this restriction is not a matter of University *Ordinance*, but of *Statute;* in other words, the privilege in question is not one which the University does not choose to *exercise*, but one which it does not *enjoy*.

The usage is similar at Oxford. *Statt. Univ. Tit. IX. Sec.* 5, "De "Gradibus quibusdam in Absentes Conferendis,"‡ deals with the case

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* These are the University of New Brunswick; Bishop's College, Quebec; King's College, Montreal; and University of Bishop's College, Lennoxville.

† *Cambridge University Statutes.* Stat. A. chap. ii. sec. 20.—"The Univer- "sity shall have power to admit any Graduate to a higher Degree in his absence "if his special circumstances require it, but the name of the Candidate shall be "published to the University at least three days before the proposal of the Grace "for his Degree."

‡ "Statutum est ut si quis gradum Baccalaurei in Artibus vel in Jure Civili vel "in Medicina adeptus fuerit, ... liceat ei gradum Magistri in Artibus,

of those *Bachelors* who desire to take the Degrees of Master or Doctor in their several Faculties, but are unable to come to Oxford for this purpose. The Statute gives the regulations insisted on, and prescribes the mode of taking the Degrees. As at Cambridge, these are the higher Degrees, not the first or Bachelor Degree, which is never granted *in absentiâ*. The *University Calendar*, p. 46, "Degrees granted to Absent Persons," says :—"A Bachelor of Arts, or of "Civil Law, or of Medicine, resident in any British Colony, may have "the Degree of Master of Arts, or of Doctor of any of the three "superior Faculties, conferred upon him in his absence. For this "purpose, he must of course attain the standing requisite for each "degree, and obtain the Grace of his College or Hall," &c. &c., and then follow the requirements.

At p. 10 of the *Reply*, it is stated, that Dublin University grants by diploma degrees *in absentiâ*. Dr. Mahaffy has explained in his letter to the *Times* (A), that this only refers to the *conferring* of the degree, and in no wise to the *qualifying* for it. This gentleman states that "every one of our qualifications consists of examinations "and exercises performed *here*, and it is only after these are com- "pleted, that the purely formal act of conferring the degree may be "performed, under exceptional circumstances, without requiring the "Candidate to attend."

In 1862 the University of Dublin passed a Decree permitting Students of the University residing in the Colonies, who had already taken a Bachelor's Degree, to proceed to a further step under certain conditions. *Terms and Exercises*, p. 9, 10.*

The University of Durham, in the rare case of applicants for first Degrees who have fulfilled all requisite conditions as to Lectures and Examinations at Durham, and have left before the Degree is formally conferred, may confer the said Degree *in absentiâ*, if such applicants are residing out of Great Britain, but in no other case, and under no other conditions.

It should be particularly noted that the Faculty of Music differs from the Faculty of Arts, in that for *both* its Degrees the Candidate is required to attend, and submit himself to Examination, besides writing an Exercise. This is the rule at all our Universities, and

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"Doctoris in Jure Civili vel in Medicina vel in S. Theologia adipisci, quanquam "in domo Congregationis præsens haud adfuerit, modo has quæ sequuntur con- "ditiones impleverit."

* The *Statute*, Cap. XIV., runs: "Quod omnes examinationes, et prælectiones, necessarias ad gradum quem petit, *prius in Academia* compleverit."

consequently an *in absentiâ* degree in Music, whether Bachelor or Doctor, is never given. The several Statutes governing the issuing of Degrees have been approved by the Queen in Council, and the Universities are compelled to observe the regulations therein laid down.

It will thus be perceived that there is no parallel between the practice of our own Universities, and that of Trinity College, Toronto, in granting degrees in absence. Your Memorialists recognise that the Royal Charter accords to this Institution—so far as the Diocese of Toronto is concerned—"all such and the like privileges as are enjoyed by "our Universities of the United Kingdom of Great Britain "and Ireland :" but these privileges can only be those in general use, and which were common to all these Institutions alike at the time the Canadian Charter was granted, not any special duty undertaken by, or exceptional prerogative subsequently assigned to a particular University. It is certain that the power of granting Degrees *in absentiâ*, as practised by the University of Trinity College, Toronto, is in this sense a privilege which is *not* enjoyed by our Home Universities.

It must be observed that in the "Opinion," signed by Sir Horace Davey and Mr. Francis C. Gore *(Supplement to Reply*, p. 6), these gentlemen, while stating that the Charter incorporating the Canadian University includes "the right of granting "its degrees *in absentiâ*," are silent as to the *particular* Degrees, and under what condition such Degrees can be conferred. The distinction is now pointed out, and your Memorialists beg to call your Lordship's special attention to the fact, that even had the University of Trinity College, Toronto, a lawful claim to operate in this country, it has misapprehended its privileges, and has gone beyond its implied powers by usurping an authority which our own Universities do not possess.

3. With regard to the elaborate attempts which have been made to depreciate the value of our representations in your Lordship's eyes, on the plea of inadequate authorisation, as the action and position of the Cambridge signatories is the one most prominently criticised, we venture on this head to invite your Lordship's at-

tention to Mr Cobb's letter in the June number of the *Musical Times*, (copy annexed B). This letter contains several statements with regard to other aspects of the controversy, which seem to us to have adequately met (as it were, in advance) the main arguments that the Toronto authorities have recently urged before you. As the Chairman of the Special Board for Music has there fully explained the position of his University, it is unnecessary to dwell further on it here.

Neither need we comment on the statement, *Supplement to the Reply*, p. 4:—"The Universities of Durham and Victoria are "the only Universities which have authorised signatures on their "behalf as far as can be ascertained," further, than to declare that the University of Dublin was officially represented in our Memorial to you, as well as that of Cambridge. Independently of the formal representation of these four Universities, the protest was signed by the Professor of Music, the Choragus, and a prominent member of the University of Oxford, by the Examiners in Music, and a Mus. Doc. of the University of London; besides the chief officials of our great Schools of Music, and other eminent musicians. The attempt, therefore, to depreciate the representative character of the Address, *Supplement to Reply*, p. 5, by asserting that it "in no way represents the chief Institutions of the "United Kingdom to whom the power of conferring degrees in "Music has been granted," is not justified by fact.

4. With respect to the statement (pp. 3 & 4) that no complaint as to the action of this Canadian College was made until the formal presentation of our Memorial to your Lordship, we have to say, that attention had frequently been called to its action here in the various Musical Journals; and in the *Tonic Sol-Fa Reporter* for March, 1887, (C) appears a letter from the Rev. E. K. Kendall, M.A., in reply to some editorial strictures on the intrusion of the University with which he was officially connected.

5. The Rev. Dr. Body has repeatedly stated, that a "large num-"ber of English musicians of high standing" invited this University to establish an agency here, and to issue these Canadian Degrees in London: this assertion has been frequently challenged, and Dr. Body has been asked to name these eminent musicians, but he has failed to do so, although he has declared, in a letter to the *Times*,

April 6th last, that "Trinity University, Toronto, courts and "demands the fullest enquiry." At page 3 of the *Reply* there is quoted a portion of a letter from the late Sir George Macfarren expressing his belief that "the University of Cambridge would support that of "Toronto in the matter of Musical Degrees." The Chairman of the Board of Musical Studies has already shown in a letter to the *Times* (D) that any communication of the late Cambridge Professor on this subject must have been unofficial and private. In the absence of any corresponding extracts from the communication to which Sir George Macfarren's letter was a reply, it is clearly impossible to determine the value which is to be attached to his very guarded phrases, even as a mere expression of personal feeling. As, however, he asks to be "favoured with full particulars," it is natural to suppose that the information then before him was not sufficient to warrant the formation of any very definite opinion on the subject. To those of us who best knew the late Professor, especially those who were most closely associated with him in his University work, it seems absolutely incredible that he can ever have intended to express approval of such a proceeding as that now under consideration. As Professor Macfarren's letter is quoted at greater length in an article which appeared in the *Trinity University Review* than in the *Reply*, a reprint of this article is herewith furnished for your Lordship's information (E).

The late Oxford Professor, Canon Sir Frederick Gore Ouseley, expressed an unfavourable opinion of the Toronto degrees, and considered that the intrusion of this University into England was unjustifiable. A reprint of his letter on the subject is attached (F).

6. Your Memorialists note that in the *Reply*, the only attempt made to justify the encroachment of this Canadian College takes the form of an allegation (page 12), that "the Universities of the "United Kingdom (exercised) exceedingly small influence upon "Musical Education generally," and that therefore the Toronto College came here "to meet a proved need." In reply to this attempted justification of its action, it must be pointed out that our home Universities have been far from supine as regards the Faculty of Music; the last 15 years have been with them a period of exceptional activity in the Art, and many important changes of constitution and of procedure have been carried out during that time. It is no doubt true that the number of Degrees conferred in the Faculty of

Music has been, on the whole, small; this, however; is not owing to any deficiency in academic interest and activity, still less to any diminution in the number of Candidates. It is solely due to the high standard which the Universities have deemed it proper to require. If therefore it be found that the Canadian University has been able numerically to outstrip the home Universities in this matter, we respectfully suggest that the reason must be sought in some special differences in the method and process of acquiring the colonial degree, which makes the task of obtaining it an easier and more attractive one. It is still our opinion that there is no legitimate place here for the Toronto College.

7. At pp. 7 & 8 of the *Reply*, reference is made to the Charter granted in 1837 to the University of Durham, and attention is there called to the fact that the endowment was provided for "the wants " of the surrounding district," and for "our loving subjects especially " in the northern parts of our realm of England." It must be remarked, that in this case, the words employed have not the same limiting tendency as those used in the Toronto Charter, in which express reference is made to the *Diocese* itself.

The Act of Parliament dealing with the establishment of the University permits it to make such Regulations as the Dean and Chapter of Durham (for the time being), the Warden and Professors, " by writing under their common seal with the consent of the Lord " Bishop of Durham, shall order and prescribe." The Regulations referring to the affiliation of the Colonial Colleges were made for Codrington College in 1875, and for Fourah Bay in 1876.

The action, therefore, of the University of Durham in granting degrees abroad is quite legitimate, and we would venture to point out the very marked *moral* difference between the case of an English University conferring degrees in places like Barbados and Sierra Leone—where an adequate academic system is scarcely to be looked for, although it is desirable that our Negro and other fellow-subjects dwelling there should study and take Degrees requisite for there future *status*,—and that of a Colonial University setting up a rival system in the mother country where ample provision exists, and has existed for centuries.

8. We are aware that the efficiency or otherwise of the Toronto Examinations is only a side issue, but we observe that the original

contention of our Memorial as regards the "disparity" between its Degrees and those of the home Universities, is combated in the *Reply* by the presentation of a comparative Table of Examination Requirements. A paper comparison of this character cannot afford a safe and adequate guide on such a point, but as even this comparison is incorrectly given, detailed and corrected particulars of the requirements at Oxford and Cambridge are hereto annexed for your Lordship's information (G, H). Even a reprint of the actual Papers set would give no information as to the marks given, or the system of giving them, or the number of marks which constitute a pass. The mere difficulty of a Paper therefore affords no clue whatever to the standard of the Examination, or the *status* of the Examiners.

With reference to the various schemes of Examinations printed in *Appendix* III. of the *Reply*, we beg to call your Lordship's attention to the "Requirements" set out for the Oxford Doctorate. It there appears that an "Exercise" only is required, and that there are no "Subjects" for the Candidate to be examined in. This is quite incorrect; the Candidate is tested in *nine Subjects*, and the Examination is conducted on similar lines to those given in the Cambridge column. Moreover, a period of five years is required to elapse before a Bachelor of Music can take the Doctor's Degree, whereas by the Table given, it does not appear that any interval is necessary. The particulars given as to the Requirements for the Degrees at Dublin are also inaccurate.

9. An attempt is made to compare the procedure of the University of Durham in conducting its examinations for degrees in the West Indies, and in Western Africa, with that of the University of Trinity College, Toronto, in this country, but the procedures differ materially.

Students have first to pass a Matriculation Examination similar to the University Examination at home, and they are obliged to forward to the Warden at Durham certificates of having fulfilled the same conditions as to residence, attendance at lectures and discipline, as are required from the Students *in situ*.

The Papers sent to the Colonial Colleges are identical with those worked by Candidates examined at Durham; all these Papers are returned to Durham, where they are tested and marked by the University Examiners: the degrees are afterwards bestowed by the Bishop of Barbados, acting under Commission.

In the case of those entering for the Toronto examinations in

Music, whether held in Canada or here, there is no such Matriculation Examination, &c., and the Papers in Music are looked over here, and not in Canada: the two procedures therefore are not alike.

10. The University of London stands in an unique position. Its Charter expressly declares that it was founded for the encouragement of learning, and "the promotion of useful knowledge to all Classes "and denominations of our faithful subjects . . . . both in the "United Kingdom and *elsewhere*." (Sec. 2.) The Examinations in the Colonies for Matriculation, and for the Degrees of B.A., and Lt.B. are appointed by the Senate from time to time, only upon the application of the Governor of any Colony, desiring that a place there m' be named as a centre for one or more Examinations. Every such application must be forwarded to the Senate through the Colonial Office at home. The Examinations are required to be under the superintendence of a responsible Sub-Examiner, who must be appointed by the Governor of the Colony, and receive from him the papers set, and transmitted from London. On the conclusion of the Examination, the Sub-Examiner delivers the papers worked by the Candidates into the custody of the Governor of the Colony, who has previously applied for such examination, and who is required to transmit them under seal by the next mail, through the Colonial Office, to the Registrar of the University in London. The Honours Examinations in Arts and Laws cannot be held out of England. It will thus be perceived how greatly these Examinations differ from those of the Toronto stablishment, despite the claim made in the *Reply* (p. 4), that "the procedure has been precisely "similar to that adopted by the University of London in the "Examinations which it has for more than twenty years past con-"ducted in various parts of the Empire." It should further be noted, that the London Matriculation Examination is a real Examination and test, whereas the so-called "Matriculation" of those who enter in England for the Toronto Degrees, consists in paying a fee, declaring allegiance to the Queen, and promising obedience &c. to the Chancellor of the University in Canada: trifling as is this formality, your Memorialists know from evidence in their possession that there are cases where even this slender initial proceeding has not been exacted.

Up to the present time, no Degrees in Music have been given in the Colonies by the University of London.

It will be observed that the Charter of the University of London was granted for *Imperial* purposes, while that of the Toronto College was granted for strictly *Local* ones. The position of the University of London thus differs widely from that of the Canadian institution, and the way in which Students are affiliated and the Examinations are conducted also differs materially. Beyond these considerations, (as connected with the identical examination claim made in the *Reply,)* we would call your Lordship's attention to the fact that the Royal Charter was not granted to the University of London until 1863, more than eleven years after that issued to the University of Trinity College, Toronto. This Canadian Charter must therefore be regarded as relating to and conceding (within the diocese of Toronto) only similar prerogatives and usages to those *then* existing at our English Universities ; it was not *prospective*, nor did it confer any duties and powers which were not in existence at the date it was granted.

It will thus be seen that the Canadian College can advance no legitimate claim founded on the extra-littoral proceedings of the University of London, or on the Colonial work of the University of Durham : the analogy attempted to be deduced from the practice of these two home Universities cannot be sustained, and it must not be assumed that their exceptional action is the custom or usage of *all* our Universities, as is asserted at p. 10 of the *Reply*.

11. Although your Memorialists have expressly disclaimed any desire to comment on the action of the University of Trinity College, Toronto, so far as its working in Canada is concerned, they cannot but note that the claim advanced, *Reply* (p. 1.), as to its having taken part "in the advancement of musical knowledge in the Dominion of "Canada, ... which has distinguished this University from the "outset," is certainly not borne out by the Official Calendar of the Institution, so far as the taking of Degrees is concerned. With the exception of one single degree, a Mus. Doc., granted in 1858 to Mr. G. W. Strathy—for services rendered—no Degrees appear to have been conferred until 1886. It should be observed that this was the year after a "Registrar" had been appointed for England, and the scheme of Examination in this country had been started.

12. With regard to the statement in the original Memorial that persons who had repeatedly failed to pass the rudimentary tests at

our English institutions had yet obtained the Toronto degrees; at *Appendix* VII. p. 4., it is said "only two such instances are given," and also p. 13, "Your Memorialists are unaware of any such cases "of failure on the part of Graduates of the University of Trinity "College, Toronto, as are vaguely referred to in the English Me- "morial." If your Lordship requires further assurance that our original assertion is correct, particulars of many cases can be supplied to you in confidence.

13. The statement, *Supplement to Reply* (p. 18), and *Appendix* VII., that it does not appear to be customary for Graduates in Music to add the name of their University after their Degree, is unfortunately true. It is just on this account that a Toronto graduate, when he omits "Toronto," may lead the public to believe that he holds an English Degree from one of our older Universities.

The Rev. Dr. Hunt, the Warden of Trinity College, London, has already answered in the *Musical Standard* (1), and formally to your Lordship, the allegations brought against his Institution at p. 3 of the *Reply*, so it is unnecessary to dwell on the matter here.

The statement at the bottom of p. 8 of the *Reply*, to the effect that it is believed the University of Durham has established Examinations in the Faculty of Divinity in Australia, is quite wrong; no such Examinations have been established.

14. A paragraph in our original Memorial drew your Lordship's attention to the danger that if this claim to grant Degrees in Music were allowed, the University of Trinity College, Toronto, would be encouraged to extend its scheme and to confer Degrees in Arts, Law, Divinity, and Medicine in England.

At p. 12 of the *Reply*, we read:—"On behalf of the University "it may perhaps be well, although it seems somewhat unnecessary, "to formally assure your Lordship that no such step is contemplated, "or is ever likely to be taken." But in connection with this disclaimer, we beg to call your Lordship's attention to p. 7, where it is stated that "Her Majesty has been pleased to fully and *unre-* "*servedly* grant powers" to this Canadian Institution; and further, to the significant contention on p. 9 of the *Supplement*:—"Thus our "degree conferring power is limited only by the enactments of the "College Council and the necessity of the sanction of the Lord

"Bishop or Bishops," a claim (your Memorialists venture to remark) of a most sweeping and extraordinary kind. If this all-embracing and ubiquitous power be conceded, the Charter which was granted to this Institution by Her Majesty practically makes it the greatest and most extensive degree-conferring University in the world. A possible extension of the Toronto scheme, is of vast import to the community at large. If the Canadian authorities be permitted to exercise their so-called "rights" in England, then it follows that their powers are not limited to the Faculty of Music, but they would be free to examine and confer Degrees in all other Faculties, on whatever terms they choose, and wherever they like.

Since our Memorial was presented to your Lordship, Mr. J. W. Sidebotham, in a letter addressed to the *Times*, on "Free Trade in Degrees," (K) has called public attention to the peril arising from freedom being conceded to the Universities of Canada, Australia, India, New Zealand, the Cape of Good Hope, and other legally constituted Universities in various portions of Her Majesty's Dominions, to establish agencies and dispense Degrees in this country.

Mr. Sidebotham further points out, that if such a concession be permitted to any Colonial University, it would doubtless encourage competition from alien Universities, equally desirous to supply persons with Degrees, and probably on easy terms: such a condition of affairs would work incalculable harm to learning, and result in serious injury to the public generally. Your Memorialists cannot but regard such a possibility with great apprehension; and they would with all respect observe, that although it is now averred that (p. 12) such an enlargement of the Toronto scheme in this country is "never likely to to be taken," such a step is always possible. The nature of an University is that of a continuing institution; no one connected with it is in a position to give a valid and lasting guarantee that a change in its system will never be made, or that such an extension as has been suggested will not be carried out.

For the additional reasons your Memorialists have advanced in this communication, and in consideration of the whole circumstances of the case, we again pray your Lordship's interposition to restrain this injurious, and, as we maintain, illegal action in the United Kingdom, of the University of Trinity College, Toronto.

Once more tendering our thanks for the permission granted to address your Lordship a second time on this matter,

We are,

Your Lordship's humble and obedient Servants,

The COMMITTEE protesting against the Toronto Degrees.

Signed

John Stainer,

by request, and on behalf of

THE COMMITTEE.

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